

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 17, 2009. At the time of the Office Action, Claims 1-10 and 12-20 were pending in this Application. Claims 1-4, 6-10, 12-18 and 20 were rejected. Claims 3, 5 and 19 were objected to. Claims 1, 3, and 16 are herein amended; Claims 6-9, 14, and 19-20 are herein cancelled without prejudice or disclaimer; and new Claims 21-24 are added. Claim 11 was previously cancelled without prejudice or disclaimer. Applicant respectfully requests reconsideration and allowance of all pending claims.

Claim Objections

The Examiner objected to Claim 3 because of informalities. Applicant has amended Claim 3 as requested by the Examiner and respectfully requests that the objection be withdrawn.

Allowable Subject Matter

Applicant appreciates Examiner's consideration and indication that dependent Claims 5 and 19 contain allowable subject matter. Applicant's treatment of Claims 5 and 19 is discussed below.

Amended Independent Claim 1 is Allowable.

Claim 1 was rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,096,351 issued to Robert V. Wargin et al. ("*Wargin '351*").

Claim 1 was also rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,088,830 issued to Robert V. Wargin et al. ("*Wargin '830*").

Claim 1 was also rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,675,474 issued to David H. Neuroth ("*Neuroth*").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is

contained in the ... claim.” *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Applicant respectfully submits that none of the cited references -- *Wargin '351*, *Wargin '830*, or *Neuroth* -- teaches all elements of amended Claim 1. In particular, none of the cited references teach “wherein an outer layer of said at least two layers has frayed sections.”

Prior to the current amendment, Claim 1 recited “wherein an outer layer of said at least two layers has openings, meshes or frayed sections.” As Applicant interprets the Office Action, the Examiner has alleged that each of *Wargin '351*, *Wargin '830*, or *Neuroth* teaches an outer layer having either opening or meshes. It does not appear that the Examiner has alleged that any of *Wargin '351*, *Wargin '830*, or *Neuroth* teaches an outer layer having frayed sections. Further, Applicant cannot find such teaching in the cited references. Thus, the cited references cannot teach “each and every element as set forth in the claim.” Accordingly, Applicant respectfully requests reconsideration and allowance of amended Claim 1, as well as all claims that depend from Claim 1.

Amended Independent Claim 16 is Allowable.

As discussed above, the Examiner indicated that dependent Claim 19 included allowable subject matter. Applicant has amended independent Claim 16 to include the limitations of allowable Claim 19. Accordingly, Applicant respectfully requests allowance of amended Claim 16, as well as all claims that depend from Claim 16.

New Claims 21-24 are Allowable.

As discussed above, the Examiner indicated that dependent Claim 5 included allowable subject matter. New Claim 21 includes limitations similar to those recited in allowable dependent Claim 5 and independent Claim 1. Accordingly, Applicant respectfully requests consideration and allowance of new Claim 21, as well as new Claims 22-24 that depend from Claim 21.

Association of Customer Number and Change of Correspondence Address

Applicant respectfully requests that all papers pertaining to the above-captioned patent application be associated with Customer No. **86528**, and direct all correspondence pertaining to this patent application to practitioners at Customer Number **86528**. All telephone calls should be directed to Eric M. Grabski at 512.457.2030. A Revocation and Power of Attorney will be filed shortly.

CONCLUSION

Applicant has made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicant respectfully requests reconsideration of the pending claims.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.457.2030.

Respectfully submitted,
KING & SPALDING L.L.P.
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Date: June 8, 2009

SEND CORRESPONDENCE TO:

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